

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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U.S. Bank Trust N.A. as Trustee of  
American Homeowner Preservation  
Trust series 2015A+,

**ANSWER**

22-cv-249

Plaintiff,

v.

City of Buffalo, New York  
and the Buffalo Sewer Authority,

Defendants.

=====

Defendants, by their undersigned attorney, for their answer to plaintiff's complaint, upon information and belief allege:

1. Answering paragraph 1, deny that defendants' alleged actions constitute a taking, and lack knowledge or information sufficient to admit or deny the rest of the allegations.

2. Lack knowledge or information sufficient to admit or deny the allegations in paragraphs 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17.

3. Answering paragraph 3, admit that under New York law the City of Buffalo is a municipal corporation and the Buffalo Sewer Authority is a public benefit corporation.

4. The legal conclusions stated in paragraphs 4, 5, 6, 19, 20, 21, 22, 23, 24, 28, 29 and 30 are respectfully referred to the court for determination.

5. Repeat and reallege the answers to the allegations in paragraphs 18 and 27.

6. Deny the allegations in paragraphs 25, 26, 31 and 32.

7. Deny each and every allegation in the complaint or part thereof not specifically answered herein.

**FIRST DEFENSE**

8. The complaint may fail to state a claim upon which relief can be granted.

**SECOND DEFENSE**

9. The complaint may be barred, in whole or in part, by the applicable statute of limitations.

**THIRD DEFENSE**

10. The complaint may be barred, in whole or in part, by the doctrines of res judicata and collateral estoppel.

**FOURTH DEFENSE**

11. Personal jurisdiction may be lacking over the Buffalo Sewer Authority.

**FIFTH DEFENSE**

12. Plaintiff may have failed to join necessary parties.

**SIXTH DEFENSE**

13. The complaint may be barred, in whole or in part, by the prohibition against gifts of public funds.

**SEVENTH DEFENSE**

14. Plaintiff may lack standing.

**EIGHTH DEFENSE**

15. Plaintiff's claims may not be ripe for decision.

**NINTH DEFENSE**

16. The complaint may be barred, in whole or in part, by governmental immunity.

**PRAYER FOR RELIEF**

**WHEREFORE**, defendants request judgment dismissing plaintiff's complaint, together with the costs of this action including attorney's fees, and such other and further relief as the court deems just and proper.

Dated: Buffalo, New York  
April 25, 2022

Yours, etc.,

Cavette A. Chambers  
Corporation Counsel  
Attorney for Defendants

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